

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Eleven 10 LLC,)	Case No. 1:18-cv-2318-JG
)	
Plaintiff,)	
)	Judge James S. Gwin
vs.)	
)	
Zhongshan Mai Bu Mould Co., Ltd. et al.)	ORDER
)	
Defendants.)	

Having reviewed Eleven 10's Motion for Default Judgment (ECF #14), and having found good cause therein, the Court hereby **GRANTS** that Motion and **ORDERS**:

1. On February 23, 2021, the Clerk correctly entered default against defendant Zhongshan Mai Bu Mould Co., Ltd., dba FMA, ("FMA") because it had been served and failed to appear or respond to the complaint by the February 17, 2021 deadline.
2. Due to the default, the factual allegations of the complaint are deemed admitted under Fed. R. Civ. P. 8(b)(6), including that:
 - A. The Eleven 10 Tourniquet Holder, shown below, uses a distinctive trade dress (the "Eleven 10 Trade Dress"). The Eleven 10 Trade Dress includes the look and feel of the Eleven 10 Tourniquet Holder, including the design and appearance of the holder and the arrangement, size, and style of the ornamental features on the holder.

Eleven 10 Tourniquet Holder



- B. FMA imports into the U.S. hard-shell tourniquet holders that appear identical and confusingly similar to the Eleven 10 Tourniquet Holder (the “FMA Holder”). A photo of the FMA Holder is below:

FMA Holder



- C. The U.S. importation, marketing, and sale of the FMA Holder is likely to cause confusion with the Eleven 10 Trade Dress and therefore infringes the Eleven 10 Trade Dress.

- D. FMA's infringement of the Eleven 10 Trade Dress is causing irreparable harm to Eleven 10, including irreparable harm to Eleven 10's goodwill, reputation, and ability to control its brand image.
3. FMA is adjudged liable to Eleven 10 for trademark infringement under the Lanham Act, for unfair competition and unjust enrichment under Ohio common law, and for violations of the Ohio Deceptive Trade Practices Act, R.C. 4165.01 et seq.
 4. FMA's infringement and other violative activities were done willfully and, accordingly, the case is declared exceptional under 15 U.S.C. § 1117(a).
 5. FMA is liable to Eleven 10 for its reasonable attorneys' fees under 15 U.S.C. § 1117(a) and R.C. 4165.03(B) in the amount of \$21,879.
 6. FMA and its officers, agents, servants, employees, attorneys, and all those in active concert or participation with any of those persons, are permanently enjoined from importing, making, marketing, or selling in the U.S. the FMA Holder or any other tourniquet holder/case that is confusingly similar to the Eleven 10 Trade Dress.

IT IS SO ORDERED

Dated this 4th day of March, 2021

s/ James S. Gwin

James S. Gwin
United States District Judge